IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 26TH OCTOBER 2007 / 4TH KARTHIKA 1929

Crl.MC.No. 2901 of 2007()

ST.223/2004 of J.F.C.M KOTHAMANGALAM

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PETITIONER: ACCUSED

JAMAL, S/O. BAVA,
KAMBAKKUDY, CHIRAPADY, ERAMALLOOR VILLAGE,
ERNAKULAM DISTRICT.

BY ADV. SRI.GEORGE SEBASTIAN

RESPONDENTS: STATE

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1. STATE OF KERALA, REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. DY. S.P.MUVATTUPUZHA.

BY PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 26/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.2901 of 2007

Dated this the 26th day of October 2007

O R D E R

The petitioner faces allegations in a crime initially registered under Section 323 and 341 I.P.C. The petitioner had appeared before the learned Magistrate and bail was granted to the petitioner. In the course of investigation, allegation under Section 3(i)(xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act has also been included. The petitioner, as per interim order issued by this court, was made available before the investigating officer for interrogation. Investigation is now complete. Final report has already been filed. In the final report, allegations under Section 3(i)(xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act has also been included. The petitioner apprehends that he may be arrested or remanded to custody when he appears before the learned Magistrate.

2. Having considered all the relevant circumstances, I am satisfied that a direction can be issued that the learned Magistrate must permit the petitioner to continue on bail when

he appears before the learned Magistrate on receipt of process in the case registered for offence punishable inter alia under Section 3(i)(xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. This Criminal Miscellaneous Case is allowed accordingly.

4. Hand over copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007